

REMARKS/ARGUMENT

Applicant responds herein to the Office Action dated June 25, 2004. A Petition for Extension of Time (two months) and the fee therefor are enclosed.

Claims 1-7 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,754,279 to Zhou et al. (hereinafter "Zhou"). Claim 1 was amended and claims 2-7 canceled with prejudice. Claims 8-36 were added. Reconsideration is requested in view of the amendment to the claims herein and the following remarks.

It is noted at the outset, that claim 1 has been amended in a manner which has removed from the claim several previously present features and which adds features that were not previously in claim 1. As such, the rejection of record of claim 1, as set forth in paragraph 3 of the Office Action, is not directly applicable.

Nonetheless, the applicant deems it appropriate to provide to the Examiner certain information which might be helpful and which might streamline the examination of the application. Thus, claim 1, as amended, includes a "means for setting an image condition for capturing a still image of the object based on information relating to the object extracted in the process of compressing the moving image". Respectfully, the cited Zhou reference does not teach, disclose or even suggest that feature. Indeed, a characteristic feature of the invention recited in amended claim 1 is that it includes at least the combination of elements that comprise: "extracting means for extracting information relating to at least one object included in the moving image from information obtained in the process of compressing the moving image, means for setting an image condition for capturing a still image of the object based on the extracted information relating to the object, and means for capturing a still image of the object based on the set imaging condition." Such instrumentality and structure is not disclosed anywhere in the prior art of record. Indeed, the invention provides the advantageous technical effect by which it is possible to obtain a still image which has been generated under a desired condition with respect to a desired object in real time, as a designated object is extracted from a captured moving image, and an image can be captured under a condition suitable for capturing a still image of the object.

In contrast, Zhou discloses performing MPEG compression to CCD data (image) obtained by a camera, extracting information relating to an object, a preview engine performing a process on

the obtained CCD data based on the extracted information, performing JPEG compression to the obtained CCD data, and recording MPEG and JPEG data on various recording mediums

However, Zhou does not disclose the characteristic feature of the present invention, which is “extracting means for extracting information relating to at least one object included in the moving image from information obtained in the process of compressing the moving image, means for setting an imaging condition for capturing a still image of the object based on the extracted information relating to the object, and means for capturing a still image of the object based on the set imaging condition”.

Therefore, Zhou cannot provide the technical effect unique to the present invention which is “to obtain a still image which has been generated under a desired condition with respect to a desired object in real time, as a designated object is extracted from a captured moving image, and an image can be captured under a condition suitable for capturing a still image of the object”.

Therefore, claim 1, as amended, and its dependent claims 8-20 clearly distinguish over the prior art of record.

Newly presented independent claim 21 is directed to an imaging capturing method, including and based on, the same technical structures and effects as recited in claim 1. Therefore, the remarks given above with respect to independent claim 1 are applicable to independent claim 21 and to its dependent claim 22.

Newly presented independent claim 23 is similarly directed to an image capturing device relative to which it can be stated that it “comprises extracting means for extracting information relating to at least one object included in the moving image from information obtained in the process of compressing the moving image, means for capturing a still image of the object, and means for capturing a still image of the object, and means for setting a desired image processing with respect to the object of the still image, based on information relating to the object extracted from information obtained in the process of compressing the moving image.”

Therefore, the present invention provides an advantageous technical effect in which “it is possible to obtain a still image which has been generated under a desired condition with respect to a desired object in real time, as a designated object is extracted from a captured moving image and an image can be captured under a condition suitable for capturing a still image of the object”.

In contrast, Zhou does not disclose the above features of independent claim 23 and does not provide the technical effects that are unique to the invention recited in claim 23 and its dependent claims 24-35.

Lastly, newly presented independent claim 36 is directed to an image capturing method which is based upon and provides the same basic technical effect and idea as in independent claim 23. As such, the remarks given above are applicable thereto, insofar as its distinction over the cited prior art.

Based on the foregoing remarks, it is respectfully submitted that all of the presently pending claims are clearly distinguishable over the prior art which has been cited to date and that these claims merit to be promptly allowed.

In order to facilitate the Examiner's consideration and examination of the claims, the applicant provides the following additional information to the Examiner which identifies the support for some of the claims in the specification and also correlates present claims to previously pending claims. This information is provided in a form of an Exhibit to the present communication, identified as Exhibit A. It is intended and made very clear that there is no intention that the text of Exhibit A be viewed or interpreted or utilized in any way to limit the scope of the claims. The claim scope should be determined solely on the basis of the language of the claim as appropriately interpreted in light of the originally submitted specification and in light of any comments which concern the patentability of the claims.

In view of the foregoing remarks, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450, on November 22, 2004

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